

TO: Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
--	---

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Colorado on the following Patents

DOCKET NO. 12-cv-00581-WJM-CBS	DATE FILED 03/06/2012	U.S. DISTRICT COURT FOR THE DISTRICT OF COLORADO
PLAINTIFF Alberta Telecommunications Research Centre		DEFENDANT CenturyLink, Inc
PATENT OR	DATE OF PATENT	HOLDER OF PATENT OR TRADEMARK
1 6,914,880		Please see copy of Complaint attached hereto
2 6,421,349		
3 7,260,059		
4 6,404,734		
5 4,956,835		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR	DATE OF PATENT	HOLDER OF PATENT OR TRADEMARK	
1 5,850,505			
2 6,377,543			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK GREGORY C. LANGHAM	(BY) DEPUTY CLERK	DATE
------------------------------------	-------------------	------

Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

**ALBERTA TELECOMMUNICATIONS
RESEARCH CENTRE d/b/a TR LABS,
A Canadian Not For Profit Corporation,**

Plaintiff,

V.

**CENTURYLINK, INC.,
A Louisiana Corporation,**

Defendant.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT

The plaintiff, the Alberta Telecommunications Research Centre, doing business as TR Labs (“TR Labs”), alleges in the afore-captioned matter as follows:

PARTIES

1. TR Labs is Canada's largest non-profit research consortium with its membership including universities, companies, and government agencies. TR Labs has offices throughout western Canada, and its principal place of business is 9107 116th Street, Edmonton, Alberta, Canada T6G 2V4.

2. Among TR Labs' members is the University of Alberta in Edmonton, Canada.

3. CenturyLink, Inc. (“CenturyLink”) is a corporation organized under the laws of the State of Louisiana, with a principal place of business at 100 CenturyLink Drive, Monroe, Louisiana, 71203.

JURISDICTION AND VENUE

4. On information and belief, the defendants, at all relevant times, have been doing business in this Judicial District.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1400(b).

FACTUAL BACKGROUND

7. TR Labs is the owner by assignment of U.S. Patent No. 6,914,880, entitled *Protection of routers in a telecommunications network* (“the ‘880 patent”), U.S. Patent No. 6,421,349, entitled *Distributed preconfiguration of spare capacity in closed paths for network restoration* (“the ‘349 patent”), and U.S. Patent No. 7,260,059, entitled *Evolution of a telecommunications network from ring to mesh structure* (“the ‘059 patent”), U.S. Patent No. 6,404,734, entitled *Scalable network restoration device* (“the ‘734 patent”), U.S. Patent No. 4,956,835 *Method and apparatus for self-restoring and self-provisioning communication networks* (“the ‘835 patent”) U.S. Patent No. 5,850,505 *Method for preconfiguring a network to withstand anticipated failures* (“the ‘505 patent”), U.S. Patent No. 6,377,543 *Path restoration of networks* (“the ‘543 patent”) (collectively “the TR Labs patents”) (attached as Exhibits A-G).

8. The first named inventor on the TR Labs patent is TR Labs’ Chief Scientist in Network Systems Research, Dr. Wayne D. Grover.

9. The ‘880 patent issued on July 5, 2005 based upon an application filed on May 19, 1999. The ‘349 patent issued on July 16, 2002 from an application filed on July 11, 1997. The ‘059 patent issued on August 21, 2007 from an application filed on June 28, 2001. The ‘734 patent issued on June 11, 2002 from an application filed on October 6, 1998. The ‘835 patent issued on Sept. 11, 1990 based upon an application filed on October 19, 1988. The ‘505 patent issued on December 15, 1998 based upon an application filed on November 1, 1995. The ‘543 patent issued on April 23, 2002 based upon an application filed on October 20, 1997.

10. In addition to his position at TR Labs, Dr. Grover is a Professor in the Department of Electrical and Computer Engineering at the University of Alberta in Edmonton, Canada.

11. Dr. Grover is a Fellow of the Institute of Electronic and Electrical Engineers (“IEEE”), a title conferred on those engineers who have demonstrated outstanding proficiency and have achieved distinction in their profession. He is also a Fellow of the Engineering Institute of Canada, a title awarded by that organization for similar scientific achievement.

12. Among his numerous awards, in 2001-2002, the Natural Science and Engineering Research Council of Canada named Dr. Grover an E.W.R Steacie Fellow, which recognizes highly promising scientists and engineers who are faculty members of Canadian universities. Dr. Grover was awarded the IEEE’s 1999 W.R.G. Baker Prize Paper award for the most outstanding paper reporting original work in an IEEE publication, and that same year was named Canada’s Outstanding Engineer in Canada by the IEEE.

13. Upon information and belief, CenturyLink operates, either directly or indirectly, mesh telecommunications networks throughout the United States.

14. The mesh telecommunications networks operated directly or indirectly by CenturyLink infringe the claims of the TR Labs patents in violation of 35 U.S.C. § 271.

COUNT I – PATENT INFRINGEMENT

16. TR Labs hereby incorporates by reference paragraphs 1-14, above.

17. CenturyLink has directly infringed the claims of the TR Labs patents by operating, either directly or indirectly, mesh telecommunications networks that are covered by such claims, which is in violation of 35 U.S.C. § 271.

18. TR Labs has been, and will continue to be, irreparably harmed by CenturyLink's infringement in view of the finite patent monopoly that TR Labs enjoys as the owner of the TR Labs patents.

PRAYERS FOR RELIEF

WHEREFORE, TR Labs respectfully requests that this Court:

- a) Find that CenturyLink infringes the patents in suit;
- b) Order CenturyLink to pay TR Labs damages equal to no less than a reasonable royalty to compensate TR Labs for the infringement of the TR Labs patents pursuant to 35 U.S.C. § 284;
- c) Order CenturyLink to pay TR Labs prejudgment interest to compensate TR Labs for its lost use of money to which it was entitled;
- d) Find this case to be exceptional;
- e) Order CenturyLink to pay attorneys' fees pursuant to 35 U.S.C. § 285;
- f) Enjoin CenturyLink from further infringement of the TR Labs patents; and
- g) Award whatever additional relief the Court finds just and equitable.

Respectfully submitted,

s/ George C. Summerfield
George C. Summerfield
Steven R. Pedersen
STADHEIM & GREAR, LTD.
Wrigley Building Tower
400 N. Michigan Ave., Ste. 2200
Chicago, Illinois 60611
(312) 755-4400

Attorneys for Plaintiff

Alberta Telecommunications Research
Centre d/b/a TR Labs
9107 116th Street
Edmonton, Alberta
Canada T6G 2V4

JURY DEMAND

TR Labs hereby demands a trial by jury on all issues so triable.

s/ George C. Summerfield
George C. Summerfield